

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**JAMES JOHN,**

Petitioner,

v.

**DAVID BERKEBILE, Warden,  
FCI-Seagoville,**

Respondent.

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Civil Action No. **3:08-CV-0267-L**

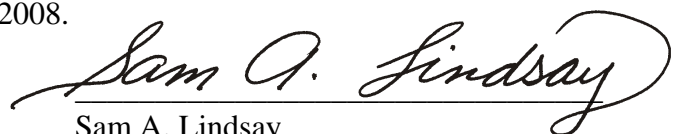
**ORDER**

Before the court are the Findings, Conclusions and Recommendation of the United States Magistrate Judge, filed May 21, 2008. No objections were filed.

This is a habeas petition brought pursuant to 28 U.S.C. § 2241. The magistrate judge determined that the petition should be dismissed in part and denied in part. Specifically, the claims seeking to invalidate 28 C.F.R. §§ 570.20 and 570.21 and PS 7310.04 should be dismissed as moot because these claims are moot after the passage of the Second Chance Act of 2007, Pub. L. 110-199, Title II, § 251(a), 122 Stat. 692 (Apr. 9, 2008). Because home confinement does not implicate 18 U.S.C. § 3621(d), Petitioner's claim seeking to invalidate PS 7320.01 should be denied. Petitioner is therefore not entitled to habeas relief.

Having reviewed the pleadings, file and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court. The court **dismisses in part** and **denies in part** Petitioner's habeas petition.

**It is so ordered** this 23rd day of June, 2008.



Sam A. Lindsay  
United States District Judge